IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FIFTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE GHULAM MOHAMMED

WRIT PETITION NO : 22713 of 1994

Between:

1 J.Rama Chandra Reddy, S/o. J.Srinivasulu Reddy.
Pallivaripatted Range, Tirupati, Chittoor District.
2 Y.Gunasekhara Reddy, S/o. Y.Narayana Reddy.
Pallivaripatted Range, Tirupati, Chittoor District.
3 P.Jagannadham, S/o. P.Ramaiah,
Pallivaripatted Range, Tirupati, Chittoor.
4 B.Dhanamjayalu, S/o. B.Lokanandham,
Pallivaripatted Range, Tirupati, Chittoor District.
5 C.Adinarayana Reddy, S/o. C.Mutyala Reddy.
Pallivaripatted Range, Tirupati, Chittoor District.
6 M.Ananda Mohan, S/o. M.Gangaiah, Pallivaripatted Range, Tirupati, Chittoor.
7 K.Padmanabham, S/o. Ayyaswamy Mudali.
Pallivaripatted Range, Tirupati, Chittoor District.
8 V.Malleswaraiah, S/o. Chinnabbaj, Pallivaripatted Range, Tirupati, Chittoor District.
9 E.Ramesh, S/o. E.Chandrappa, Pallivaripatted Range, Tirupati, Chittoor District.
10 S.Khader Basha, S/o. S.Khaja Peer, Pallivaripatted Range, Tirupati, Chittoor District.
11 T.Vital Naidu. S/o. Munaswamy Naidu.
Pallivaripatted Range, Tirupati, Chittoor District.
12 P.Suryanarayana Raju, S/o. Parreraju.
Pallivaripatted Range, Tirupati, Chittoor District.
13 G.J.Gangadhar, S/o. Jayaramaiah, Pallivaripatted Range, Tirupati, Chittoor District.
14 K.Venkatapathi Raju, S/o. K.Ramaraju.
Pallivaripatted Range, Tirupati, Chittoor District.
15 B.Chengaiah, S/o. Subbaiah, Pallivaripatted Range, Tirupati, Chittoor District.
16 M.Venkata Reddy, S/o. Krishna Reddy, Pallivaripatted Range, Tirupati, Chittoor District.

17 V.Bramhachari, S/o. V.Chengarayachari.
Pallivaripatted Range, Tirupati, Chittoor District.
18 T.Subramanayam, S/o. Chengalrayalu, Pallivaripatted Range, Tirupati, Chittoor District.
19 K.Rajendra, S/o. K.Lakshmaiah, Pallivaripatted Range, Tirupati, Chittoor District.
20 Ch.Ramanaidu, S/o. Malkondaiah, Pallivaripatted Range, Tirupati, Chittoor District.
21 T.Suresh Babu, S/o. T.Venkatasubbaiah,
Pallivaripatted Range, Tirupati, Chittoor District.
22 A.Prasanth Kumar, S/o. A.Munirathnam Naidu,
Pallivaripatted Range, Tirupati, Chittoor District.
23 N.Eswaraiah, S/o. N.Kuppaswamy, Pallivaripatted Range, Tirupati, Chittoor District.

(Petitioners 3,4,5,13,15,16 are working in Divyaramam Range Master and other petitioners are working in Pallivaripatted Range, Tirupati, Chittoor District)

...PETITIONERS

AND

1 The Executive Officer, TTD., Tirupati, Chittoor.
2 The Conservator of Forest, TTD.,
E.O's Office, Chittoor.
3 The Dy.Range Officer, TTD.,
Tirupati, Chittoor.
4 The Range Officer, Pallivaripatteda Range,
TTD., Tirupati, Chittoor.
5 The Range Officer, Divyaramam Range, (Nursery Near Kapila Teertham) TTD., Tirupati, Chittoor.
6 The Asst. Commissioner of Labour, Chittoor, Chittoor District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in evolving the contract labour system to the existing workers in the TTD Forest Department by its Resolution No. 984, dated 27/03/1992 and 320, dated 30-6-94/1-07-1994 is illegal, unjust and unreasonable and consequently direct the respondents to regularise the services of the petitioners and issues time scale, Identity cards, weekly off and such other benefits.

Counsel for the Petitioner:MR.G.DASARADHA RAMI REDDY

Counsel for the Respondents 1 to 5: MR.A.K.Jayaprakash Rao

The Court made the following :

ORDER:

The petitioners, who are working on daily wage basis in Tirumala Tirupati Devastanam (TTD) Forest Department, state that TTD has taken over 11 ½ Kms radious of forest land around the temple by allocating certain amount for plantation of gardens and that nearly more than six hundred workers who have been working along with the present petitioners have been engaged in the said work. It is stated that to defeat the rights of the daily wage-workers, the T.T.D. Forest Department officials evolved a system by resolution No.320, dated 30.6.1994, according to which, one person is given as incharge for 30 to 40 workers and named as petty contractor. Some of the petty contractors were regularized. The grievance of the petitioners is that though they are working continuously since more than four to five years, and though there is work under the present project, the respondents orally terminated them from service, which amounts to violation of the provisions of Section 25-F of Industrial Disputes Act. Assailing the impugned action of the respondents, the present writ petition is filed.

A detailed counter affidavit has been filed by the respondents *inter alia* contending that the forest works in Tirumala Tirupati Devastanam are intermittent in nature, and purely on seasonal basis, which are being executed by petty contractors as being done in A.P. Forest Department. They further contended that this system has been evolved mainly due to the nature of work, which is purely seasonal. They further state that under the Bio-aesthetic scheme to beautify Tirumala, forest works have been carried out by the forest staff taken on deputation, and also by the casual labours engaged by the department on muster roll basis. It is stated that the services of some of the casual labour, who worked continuously for more than five years were regularized as per the G.O.Ms.No.296, 389, 390 and 314 subject to requirement in the forestry work over ten acres on Tirumala hills and about 400 hectares at the foot of the hills. They further state that now the entire area is afforested since 1981 till March, 1997 and at present there is no need to engage any labourers or casuals for forestry operations as the entire area of T.T.D. is planted up and the protection and maintenance of the afforestation would be done by the existing regular Mazdoors, who are already on the rolls of T.T.D.Forest Department and there will not be any further expansion in the area. The respondents state that the petitioners are not all the employees and they are no more in service under T.T.D. Forest Department, and on the other hand, they worked under petty contractors, and the Government of A.P. by G.O. Rt. No.1346 Revenue (Endowments-III) Department, dated 13-8-1997, rejected the proposals made earlier for regularization of the services of Mazdoors working under the petty contractors. Thus, the respondents pray to dismiss the writ petition.

Heard the learned counsel for the petitioner and the learned Standing Counsel for the TTD.

The respondents clearly stated that the petitioners have worked under petty contractors and they are being engaged on account of work which was available. That apart the status of the workers is disputed by the management with reference to certain categories and this Court would not be in a position to adjudicate the same as it is a disputed question of fact. Whether the workers are employed by the petty contractors or whether they are workers appointed by virtue of Forest Contract Manual or otherwise, are pure questions of fact

which cannot be decided by this Court exercising writ jurisdiction under Article 226 of the Constitution of India. Hence, I am not inclined to adjudicate the same, which does not fall under the purview of Article 226 of the Constitution of India. It is open for the petitioner to move the appropriate forum.

Accordingly, the writ petition is dismissed. No costs.

25.11.2004

MRKR/KK

To

1 The Executive Officer, TTD., Tirupati, Chittoor.
2 The Conservator of Forest, TTD.,
E.O's Office, Chittoor.
3 The Dy.Range Officer, TTD.,
Tirupati, Chittoor.
4 The Range Officer, Pallivaripatteda Range,
TTD., Tirupati, Chittoor.
5 The Range Officer, Divyaramam Range, (Nursery Near Kapila Teertham) TTD., Tirupati, Chittoor.
6 The Asst. Commissioner of Labour, Chittoor, Chittoor District.

7. Two C.D.copies